

MEMO ENDORSED

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2023 JAN -9 AM 10:10

UNITED STATES District Court
SOUTHERN District of NEW YORK

Wendell Belle,
Petitioner,

Vs.

Case No. 15 Cr. 537 (vec)

United States of America,
Respondent,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/31/2023

MOTION FOR Consideration

Now Comes,

Petitioner Wendell Belle, who files this motion pro-se, and request from this Court to look upon his pleadings in a pro-se, fashion.

As in HAINES VS KERNER, 404 US 519 (1972), Whereas it states that pro-se, litigants are not held to the stringent standards as Attorneys.

Petitioner, files this motion in regards of the gate keeping provisions CON-

(1)

Concerning the filing of a § 2255 motion.
(AEDPA),

The Petitioner, was sentenced
February 23rd, 2022.

At the time the Petitioner,
was in state custody actually doing and after
federal sentencing.

The State Facility in which the
Petitioner, was being held, did not have
any means as far as, books or Computer System
to Study any federal law (No Federal legal
material present).

Petitioner, now being housed in
MDC - Brooklyn (pre-trial Hold-over Center)
was informed by actual Federal inmates and
staff that he has one-year after federal
sentencing to file a § 2255 motion.

Petitioner, was received by the Federal
System on November 23rd, 2022, from the
State of New York Penal System.

Petitioner, had no knowledge what a
§ 2255 motion was until being transferred
to Federal custody.

So at this time Petitioner is
actually putting the District Court on notice

CONCERNING the filing of this motion.

As Reiterated earlier Petitioner,
was sentenced 02/23/2021, actually
that sentencing was pursuant to the
(FSA) New sentencing guidelines.

So in-order to file a adequate
defense Petitioner, Needs adequate
time to study his Case.

The State sentence in which
The petitioner, served NINE-years
maximum. Out date on, is relevant
conduct concerning the federal sent-
ence that petitioner, is now serving.

The state and federal convictions
derived from the state charges that
basically created the federal charges.

Petitioner, is now making it
part of the record, as far as letting
the court know that the one-year
date from sentencing to file may-not
be met.

Respectfully Submitted

Dated on JANUARY
1st, 2023

wendell Belle
WENDELL BELLE
(3) REGISTER NO. 76407-054

CC: file

CERTIFICATE OF SERVICE

I, Wendell Belle, being said
petitioner, in said motion hereby
declare that under the penalty of
perjury pursuant to 1746;

that everything stated in
said motion is true and correct to
the best of my knowledge and I
sign and date below.

Wendell Belle on this 1st day of
January 2023

(4)

Wendell Belle #76907-054
WDC BIRMINGHAM

P.O. Box 324002

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The Clerk of Court is respectfully directed to open a parallel civil case for Mr. Belle's Section 2255 petition. The document at 15-cr-537-3, Dkt. 1771, should be docketed as docket entry 1 in the new civil case. The Clerk of Court is further directed to serve a copy of this endorsement on the pro se petitioner, and note the mailing on the docket.

Date: 1/31/2023

SO ORDERED.

Valerie Caproni

